

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005,
- 3 SECTION 19, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 5. This article does not apply to the
- 5 following agency actions:
- 6 (1) The issuance of a warrant or jeopardy warrant for the
- 7 collection of taxes.
- 8 (2) A determination of probable cause or no probable cause by the
- 9 civil rights commission.
- 10 (3) A determination in a factfinding conference of the civil rights
- 11 commission.
- 12 (4) A personnel action, except review of a personnel action by the
- 13 state employees appeals commission under IC 4-15-2 or a
- 14 personnel action that is not covered by IC 4-15-2 but may be
- 15 taken only for cause.
- 16 (5) A resolution, directive, or other action of any agency that
- 17 relates solely to the internal policy, organization, or procedure of
- 18 that agency or another agency and is not a licensing or
- 19 enforcement action. Actions to which this exemption applies
- 20 include the statutory obligations of an agency to approve or ratify
- 21 an action of another agency.
- 22 (6) An agency action related to an offender within the jurisdiction

of the department of correction.

(7) A decision of the Indiana economic development corporation, **the office of tourism development**, the department of environmental management, the tourist information and grant fund review committee, the Indiana development finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.4-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, **the office of tourism development**, the Indiana development finance authority, or economic development commissions.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Delete pages 2 through 3.

Page 4, delete lines 1 through 38.

Page 4, line 42, delete "department" and insert "**office**".

Page 4, line 42, after "tourism" insert "**development**".

Page 5, line 2, delete "department" and insert "**office**".

Page 5, line 2, after "tourism" insert "**development**".

Page 5, line 5, delete "department" and insert "**office**".

Page 5, line 6, after "tourism" insert "**development**".

Page 5, line 10, delete "department" and insert "**office**".

Page 5, line 10, after "tourism" insert "**development**".

Page 5, line 16, delete "DEPARTMENT" and insert "**OFFICE**".

Page 5, line 16, after "TOURISM" insert "**DEVELOPMENT**".

- 1 Page 5, between lines 19 and 20, begin a new paragraph and insert:
- 2 **"Sec. 2."Agritourism" means the act of visiting a working farm**
- 3 **or any agricultural, horticultural, or agribusiness operation for**
- 4 **purposes of enjoyment, education, or active involvement in the**
- 5 **activities of the farm or operation."**
- 6 Page 5, line 20, delete "2." and insert **"3."**.
- 7 Page 5, delete lines 22 through 23.
- 8 Page 5, line 24, delete "department" and insert **"office"**.
- 9 Page 5, line 25, after "tourism" insert **"development"**.
- 10 Page 5, between lines 25 and 26, begin a new paragraph and insert:
- 11 **"Sec. 5. "Office" refers to the office of tourism development**
- 12 **established by IC 5-29-2-1."**
- 13 Page 5, line 26, delete "Department" and insert **"Office"**.
- 14 Page 5, line 26, after "Tourism" insert **"Development"**.
- 15 Page 5, line 27, delete "department" and insert **"office"**.
- 16 Page 5, line 27, after "tourism" insert **"development"**.
- 17 Page 5, line 28, delete "(a)".
- 18 Page 5, line 28, after "of" and insert **"the office."**.
- 19 Page 5, delete lines 29 through 33.
- 20 Page 5, line 34, delete "(b)" and insert **"Sec. 3. (a)"**.
- 21 Page 5, line 34, after "director" insert **"of the office"**.
- 22 Page 5, line 36, delete "(c)" and insert **"(b)"**.
- 23 Page 5, line 37, delete "department." and insert **"office."**.
- 24 Page 5, line 38, delete "(d)" and insert **"(c)"**.
- 25 Page 5, line 39, delete "budget agency" and insert **"lieutenant**
- 26 **governor"**.
- 27 Page 5, line 39, delete "lieutenant".
- 28 Page 5, line 40, delete "governor." and insert **"budget agency."**.
- 29 Page 5, line 41, delete "3." and insert **"4."**.
- 30 Page 5, line 41, delete "appoint or employ deputy directors,".
- 31 Page 5, line 42, delete "assistants, and" and insert **"hire"**.
- 32 Page 6, line 1, delete "department's" and insert **"office's"**.
- 33 Page 6, line 4, delete "4." and insert **"5."**.
- 34 Page 6, line 4, delete "department" and insert **"office"**.
- 35 Page 6, line 6, delete "make the best use" and insert **"promote**
- 36 **tourism."**.
- 37 Page 6, delete line 7.
- 38 Page 6, line 9, delete "interest accrued from loans made".
- 39 Page 6, line 10, delete "by the department,".
- 40 Page 6, line 13, delete "department:" and insert **"office:"**.
- 41 Page 6, line 23, delete "Direct that" and insert **"Request"**.
- 42 Page 6, line 24, delete "department be given to the".

- 1 Page 6, line 25, delete "department by" and insert **"office from"**.
- 2 Page 6, line 27, delete "department" and insert **"office"**.
- 3 Page 6, line 31, after "concerning" insert **"and advertise or**
- 4 **contract to advertise"**.
- 5 Page 6, line 35, delete "department" and insert **"office"**.
- 6 Page 6, line 35, delete "perform the following duties:" and insert
- 7 **"assist"**.
- 8 Page 6, line 36, delete "(1) Assist".
- 9 Page 6, run in lines 35 through 36.
- 10 Page 6, delete lines 38 through 39.
- 11 Page 6, line 40, delete "5." and insert **"6."**.
- 12 Page 6, line 40, delete "entities" and insert "advisory committees".
- 13 Page 6, line 41, delete "department" and insert **"office"**.
- 14 Page 6, line 42, after "an advisory" delete "entity" and insert
- 15 "committee".
- 16 Page 6, line 42, after "the advisory" delete "entity" and insert
- 17 "committee".
- 18 Page 7, between lines 5 and 6, begin a new line blocked left and
- 19 insert:
- 20 **"An advisory committee member is not entitled to salary or per**
- 21 **diem."**.
- 22 Page 7, line 6, delete "6." and insert **"7."**.
- 23 Page 7, delete lines 8 through 10.
- 24 Page 7, line 22, after "4." insert **"(a)"**.
- 25 Page 7, line 22, after "is" insert **"established within the state**
- 26 **treasury. The fund shall be used for the purposes of this chapter.**
- 27 **(b) The fund consists of appropriations from the general**
- 28 **assembly and gifts, donations, bequests, devises, and contributions**
- 29 **received by the office.**
- 30 **(c) The office shall administer the fund. The following may be**
- 31 **paid from money in the fund:**
- 32 **(1) Grants.**
- 33 **(2) Expenses of administering the fund.**
- 34 **(3) Nonrecurring administrative expenses incurred to carry**
- 35 **out the purposes of this chapter.**
- 36 **(d) The money in the fund at the end of a state fiscal year does**
- 37 **not revert to the state general fund but remains in the fund.**
- 38 **(e) The treasurer of state shall invest the money in the fund not**
- 39 **currently needed to meet the obligations of the fund in the same**
- 40 **manner as other public funds may be invested. Interest that**
- 41 **accrues from these investments shall be deposited in the state**
- 42 **general fund."**.

- 1 Page 7, delete lines 23 through 24.
- 2 Page 7, line 25, delete "department" and insert **"office"**.
- 3 Page 7, line 28, delete "department" and insert **"office"**.
- 4 Page 7, delete lines 32 through 42, begin a new paragraph and insert:
- 5 **"Sec. 6. (a) The office shall establish guidelines for the**
- 6 **application and approval of grants.**
- 7 **(b) The office may seek the recommendations from the council**
- 8 **when making a determination to approve or reject a grant**
- 9 **application."**
- 10 Page 8, delete lines 1 through 14.
- 11 Page 8, line 15, delete "9." and insert **"7."**
- 12 Page 8, line 17, delete "Department" and insert **"Office"**.
- 13 Page 8, line 18, delete "Tourism." and insert **"Tourism**
- 14 **Development."** **Promotional materials must also include a**
- 15 **statement provided by the office."**
- 16 Page 8, line 19, delete "10." and insert **"8."**
- 17 Page 8, line 19, delete "department" and insert **"office"**.
- 18 Page 8, delete lines 21 through 42.
- 19 Delete page 9.
- 20 Page 10, delete line 1.
- 21 Page 10, line 2, delete "5." and insert **"4."**
- 22 Page 10, line 16, delete "Eleven (11)" and insert **"Twelve (12)"**.
- 23 Page 10, line 17, after "years." insert **"One (1) representative must**
- 24 **own or operate an agritourism business."**
- 25 Page 10, line 22, delete "Motel" and insert **"Lodging"**.
- 26 Page 10, between lines 37 through 38, begin a new line block
- 27 indented and insert:
- 28 **"(17) A member who lives in a rural community and is**
- 29 **interested in agritourism, appointed by the Indiana rural**
- 30 **development council, for a term of one (1) year."**
- 31 Page 11, delete lines 9 through 12.
- 32 Page 11, line 13, after "4." insert **"(a)"**.
- 33 Page 11, line 15, delete "department." and insert **"office."**
- 34 Page 11, delete lines 16 through 18.
- 35 Page 11, line 19, delete "(3)" and insert **"(2)"**.
- 36 Page 11, line 20, delete "department." and insert **"office."**
- 37 Page 11, line 21, delete "(4)" and insert **"(3)"**.
- 38 Page 11, line 23, delete "(5)" and insert **"(4)"**.
- 39 Page 11, line 25, delete "(6)" and insert **"(5)"**.
- 40 Page 11, line 27, delete "(7)" and insert **"(6)"**.
- 41 Page 11, line 27, delete "department" and insert **"office"**.
- 42 Page 11, delete lines 29 through 36.

1 Page 11, line 37, delete "(10)" and insert "(7)".

2 Page 11, delete lines 39 through 42, begin a new line block indented
3 and insert:

4 **"(8) Make budget recommendations to the lieutenant**
5 **governor.**

6 **(b) The council may establish advisory groups to make**
7 **recommendations to the office on tourism research, development,**
8 **and marketing."**

9 Page 12, line 4, delete "department" and insert "**office**".

10 Page 12, line 4, delete "support and".

11 Page 12, line 5, delete "council." and insert "**council, as directed by**
12 **the lieutenant governor.**".

13 Page 12, delete lines 9 through 42, begin a new paragraph and insert:

14 "SECTION 5. IC 6-1.1-43-1, AS AMENDED BY P.L.4-2005,
15 SECTION 49, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to the
17 following economic development incentive programs:

18 (1) Grants and loans provided by the Indiana economic
19 development corporation under IC 5-28 **or the office of tourism**
20 **development under IC 5-29.**

21 (2) Incentives provided in an economic revitalization area under
22 IC 6-1.1-12.1.

23 (3) Incentives provided under IC 6-3.1-13.

24 (4) Incentives provided in an airport development zone under
25 IC 8-22-3.5-14.

26 SECTION 6. IC 8-3-1-21.1, AS AMENDED BY P.L.4-2005,
27 SECTION 114, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2005]: Sec. 21.1. (a) Upon receiving notice of
29 intent to abandon railroad rights-of-way from any railroad company, the
30 department shall, upon receipt, notify:

31 (1) the county executives, county surveyors, and cities and towns
32 of the counties affected;

33 (2) the Indiana economic development corporation; ~~and~~

34 **(3) the office of tourism development; and**

35 ~~(3)~~ **(4)** the department of natural resources;

36 of the notice.

37 (b) Within one (1) year of a final decision of the Interstate
38 Commerce Commission permitting an abandonment of a railroad
39 right-of-way, the railroad shall remove any crossing control device,
40 railroad insignia, and rails on that part of the right-of-way that serves
41 as a public highway and reconstruct that part of the highway so that it
42 conforms to the standards of the contiguous roadway. The Indiana

department of transportation or the county, city, or town department of highways having jurisdiction over the highway may restore the crossing if the unit:

- (1) adopts construction specifications for the project; and
- (2) enters into an agreement with the railroad concerning the project.

The cost of removing any crossing control device, railroad insignia, rails, or ties under this subsection must be paid by the railroad. The cost of reconstructing the highway surface on the right-of-way must be paid by the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing.

(c) If a railroad fails to comply with subsection (b), the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing may proceed with the removal and reconstruction work. The cost of the removal and reconstruction shall be documented by the agency performing the work and charged to the railroad. Work by the agency may not proceed until at least sixty (60) days after the railroad is notified in writing of the agency's intention to undertake the work.

(d) This section does not apply to an abandoned railroad right-of-way on which service is to be reinstated or continued.

(e) As used in this section, "crossing control device" means any traffic control device installed by the railroad and described in the National Railroad Association's manual, Train Operations, Control and Signals Committee, Railroad-Highway Grade-Crossing Protection, Bulletin No. 7, as an appropriate traffic control device.

(f) Costs not paid by a railroad under subsection (b) may be added to the railroad's property tax statement of current and delinquent taxes and special assessments under IC 6-1.1-22-8.

(g) Whenever the Indiana department of transportation notifies the department of natural resources that a railroad intends to abandon a railroad right-of-way under this section, the department of natural resources shall make a study of the feasibility of converting the right-of-way for recreational purposes. The study must be completed within ninety (90) days after receiving the notice from the Indiana department of transportation. If the department of natural resources finds that recreational use is feasible, the department of natural resources shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes.

SECTION 7. IC 8-21-9-12, AS AMENDED BY P.L.4-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The department has

jurisdiction only over two (2) major new continental or intercontinental airport facilities designed and constructed to serve a part of Indiana or adjacent states.

(b) The department may designate the location and character of all airport facilities which the department may hold, own, or over which it is authorized to act and to regulate all matters related to the location and character of the airport facilities.

(c) The department may designate the location and establish, limit, and control points of ingress to and egress from any airport property.

(d) The department may lease to others for development or operation the parts of any airport or airport facility on terms and conditions as the department considers necessary.

(e) The department may make directly, or through hiring of expert consultants, investigations, and surveys of whatever nature, including, but not limited to, studies of business conditions, freight rates, airport services, physical surveys of the conditions of structures, and the necessity for additional airports or for additional airport facilities for the development and improvement of commerce and for the more expeditious handling of commerce, and to make studies, surveys, and estimates as are necessary for the execution of its powers under this chapter.

(f) The department may make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. When the cost of any such contract for construction, or for the purchase of equipment, materials or supplies, involves an expenditure of more than five thousand dollars (\$5,000), the department shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the department shall determine. Such notice shall state the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The department may reject any and all bids. A bond with good and sufficient surety, as shall be approved by the department, shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract.

1 (g) The department may fix and revise periodically and charge and
2 collect equitable rates, fees, rentals, or other charges for the use of any
3 airport facility or airport facilities under its control, which rates, fees,
4 rentals, or other charges shall be in amounts reasonably related to the
5 cost of providing and maintaining the particular airport facility or
6 airport facilities for which these rates, fees, rentals, and other charges
7 are established.

8 (h) The department may make application for, receive, and accept
9 from any federal agency, grants for or in aid of the planning,
10 construction, operating, or financing of any airport facility, and to
11 receive and accept contributions from any source of either money,
12 property, labor, or other things of value, to be held, used and applied for
13 the purposes for which made, in each case on such terms and conditions
14 as the department considers necessary or desirable. The department
15 may enter into and carry out contracts and agreements in connection
16 with this subsection.

17 (i) The department may appear in its own behalf before boards,
18 commissions, departments, or other agencies of the federal government
19 or of any state or international conference and before committees of the
20 Congress of the United States and the general assembly of Indiana in
21 all matters relating to the designs, establishment, construction,
22 extension, operations, improvements, repair, or maintenance of any
23 airport or airport facility operated and maintained by the department
24 under this chapter, and to appear before any federal or state agencies in
25 matters relating to air rates, airport services and charges, differentials,
26 discriminations, labor relations, trade practices, and all other matters
27 affecting the physical development of and the business interest of the
28 department and those it serves.

29 (j) The department may contract for the services of consulting
30 engineers, architects, attorneys, accountants, construction and financial
31 experts, and such other individuals as are necessary in its judgment.
32 However, the employment of an attorney shall be subject to such
33 approval of the attorney general as may be required by law.

34 (k) The department may do all things necessary and proper to
35 promote and increase commerce within its territorial jurisdiction,
36 including cooperation with civic, technical, professional, and business
37 organizations and associations, **the office of tourism development,**
38 and the Indiana economic development corporation.

39 (l) The department may establish and maintain a traffic bureau for
40 the purpose of advising the department as to the airport's competitive
41 economic position with other airports.

42 (m) The department may contract for the use of any license, process,

or device, whether patented or not, which the department finds is necessary for the operation of any airport facility, and may permit the use thereof by any lessee on such terms and conditions as the department may determine. The cost of such license, process, or device may be included as part of the cost of the airport facility.

(n) The department may issue airport revenue bonds and airport revenue funding bonds.

(o) The department may do all acts and things necessary or proper to carry out the powers expressly granted in this chapter."

Delete pages 13 through 15.

Page 16, delete lines 1 through 3.

Page 16, line 11, after "the" strike "department" and insert "**office**".

Page 16, line 12, delete "tourism," and insert "**tourism development,**".

Page 16, line 36, strike "department" and insert "**office**".

Page 16, line 36, after "tourism" insert "**development**".

Page 16, line 37, strike "designated deputy." and insert "**designee.**".

Page 17, line 23, delete "department" and insert "**office**".

Page 17, line 23, after "tourism" insert "**development**".

Page 18, line 20, delete "department" and insert "**office**".

Page 18, line 20, after "tourism" insert "**development**".

Page 18, line 39, strike "department" and insert "**office**".

Page 18, line 39, after "tourism" insert "**development**".

Page 19, line 23, reset in roman "office".

Page 19, line 23, delete "department".

Page 19, line 23, reset in roman "development".

Page 19, line 38, strike "department" and insert "**office**".

Page 19, line 39, delete "tourism." and insert "**tourism development.**".

Page 19, line 40, strike "department" and insert "**office**".

Page 19, line 40, after "tourism" insert "**development**".

Page 20, line 10, strike "department" and insert "**office**".

Page 20, line 11, delete "tourism." and insert "**tourism development.**".

Page 20, line 12, strike "department" and insert "**office**".

Page 20, line 12, after "tourism" insert "**development**".

Page 20, line 21, before "of" strike "department" and insert "**office**".

Page 20, line 21, delete "tourism," and insert "**tourism development,**".

Page 20, line 38, strike "department" and insert "**office**".

Page 20, line 38, after "tourism" insert "**development**".

Page 20, line 40, delete "department" and insert "**office**".

Page 20, line 40, delete "tourism." and insert "**tourism development.**".

Page 21, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 19. P.L.4-2005, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 151.

(a) The duties conferred on the department of commerce relating to ~~tourism and~~ community development are transferred to the office of the lieutenant governor on the effective date of this act. Notwithstanding any other law, beginning on the effective date of this act the office of the lieutenant governor is also responsible for administering the following funds, programs, councils, and accounts:

~~(1) The tourism information and promotion fund:~~

~~(2) The tourism marketing fund:~~

~~(3) The Indiana tourism council:~~

~~(4)~~ (1) The community promotion program.

~~(5)~~ (2) The Indiana main street program.

~~(6)~~ (3) The individual development accounts program.

~~(7)~~ (4) The home ownership education account.

(b) The rules, policies, and guidelines adopted by:

(1) the department of commerce concerning ~~tourism and~~ community development; or

(2) an entity described in subsection (a);

before the effective date of this act are considered, on and after the effective date of this act, rules, policies, and guidelines of the office of the lieutenant governor until the office of the lieutenant governor adopts replacement rules, policies, and guidelines.

(c) On the effective date of this act, the office of the lieutenant governor becomes the owner of all property and obligations relating to ~~tourism promotion and~~ community development of the department of commerce. Any amounts owed to the department of commerce before the effective date of this act under a program administered under this SECTION on and after the effective date of this act by the office of the lieutenant governor shall be payable to the office of the lieutenant governor.

(d) Any appropriations to the department of commerce relating to ~~tourism and~~ community development and funds relating to ~~tourism and~~ community development under the control or supervision of the department of commerce on the effective date of this act, as determined by the budget agency, are transferred to the control or supervision of the office of the lieutenant governor on the effective date of this act.

(e) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to

1 organize and correct statutes affected by the transfer of responsibilities
2 to the lieutenant governor.

3 (f) This SECTION expires July 1, 2007.

4 SECTION 20. [EFFECTIVE JULY 1, 2005] **(a) The duties**
5 **conferred on the lieutenant governor relating to tourism are**
6 **transferred to the office of tourism development on July 1, 2005.**

7 **(b) The rules, policies, and guidelines adopted by the lieutenant**
8 **governor or department of commerce concerning tourism before**
9 **July 1, 2005, are considered, on and after July 1, 2005, rules,**
10 **policies, and guidelines of the office of tourism development until**
11 **the office of tourism development adopts replacement rules,**
12 **policies, and guidelines.**

13 **(c) On July 1, 2005, the office of tourism development becomes**
14 **the owner of all property and obligations relating to tourism**
15 **promotion of the lieutenant governor or department of commerce.**

16 **(d) Any appropriations to the lieutenant governor, department**
17 **of commerce, or economic development entity covered by**
18 **P.L.4-2005, relating to tourism and funds relating to tourism under**
19 **the control or supervision of the lieutenant governor on July 1,**
20 **2005, as determined by the budget agency, are transferred to the**
21 **control or supervision of the office of tourism on July 1, 2005.**

22 **(e) This SECTION expires July 1, 2007."**

23 Page 22, delete lines 1 through 33.

24 Page 22, line 39, delete "Money in the tourism information and".

25 Page 22, delete lines 40 through 42.

26 Page 23, delete lines 1 through 9.

- 1 Page 23, line 10, delete "(c)" and insert "**(b)**".
- 2 Page 23, line 13, delete "IC 5-29-5-1," and insert "**IC 5-29-4-1,**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 335 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Meeks, Chairperson